

Duane J. Brescia
CLARK HILL, PLC
720 Brazos, Suite 700
Austin, TX 78701
(512) 499-3647 (direct)
dbrescia@clarkhill.com

Audrey L. Hornisher
CLARK HILL, PLC
 901 Main Street, Suite 6000
 Dallas, TX 75202
 (214) 651-2056 (direct)
ahornisher@clarkhill.com

Christopher R. Ward
Phil W. Pemberton
CLARK HILL, PLC
2600 Dallas Parkway, Suite 600
Frisco, TX 75034
(214) 651-4722 (direct)
cward@clarkhill.com
ppemberton@clarkhill.com

COUNSEL FOR MARKEL INSURANCE COMPANY

AND

Penn C. Huston
Jeffrey R. Elkin
MOUERHUSTON PLLC
349 Heights Blvd.
Houston, TX 77007
Telephone (832) 410-4540
Facsimile (832) 209-8158
phuston@mouerhuston.com
jelkin@mouerhuston.com

COUNSEL FOR ORIGIN BANCORP, INC

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

IN RE:

Lauren Engineers & Constructors, Inc.

Debtor.

Markel Insurance Company,

Plaintiff,

V.

Origin Bancorp, Inc.,

Defendant.

www.pearsoned.com

Case No. 21-10051 rlj7

Chapter 7

Adv. No. 21-01001-rlj

**JOINT STATUS REPORT AND
MOTION FOR ENTRY OF A STIPULATED SCHEDULING ORDER**

Plaintiff Markel Insurance Company (“Markel”) and Defendant Origin Bancorp, Inc, (“Origin”), by and through their counsel of record, hereby submit this Joint Status Report following their conference that was held pursuant to the requirements of FED. R. CIV. P. 26(f) and Federal Bankruptcy Rule 7026(f). As identified in section two of this report, the parties also ask the Court to continue the trial that is set for a docket call on December 1, 2021 to March 23, 2022 and enter the Stipulated Scheduling Order filed contemporaneous with the Joint Status Report to govern the intermediate deadlines in this case moving forward.

1. A discovery plan as contemplated by Rule 26(f)(3) of the Federal Rules of Civil Procedure.

A. What changes should be made in the timing, form, or requirement for disclosures under 26(a), including a statement of when initial disclosures were made or will be made:

The Parties stipulate pursuant to FED. R. CIV. P. 26(a)(1)(C) that their Initial Disclosures shall be due September 3, 2021.

B. The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues:

The Parties anticipate discovery will be needed on the essential elements of and factual allegations in Markel’s claims against Origin and the basis for Origin’s defenses to those claims. Should future claims or defenses be asserted, the Parties anticipate they will need to conduct discovery on those issues as well. At this point in time, the Parties do not anticipate that phased discovery will be needed and do not currently think discovery needs to be limited or focused beyond the requirements already set in the Federal Rules of Civil Procedure and Federal Rules of Evidence.

C. Any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced:

The Parties agree that when producing documents originating from ESI, care should be taken to ensure that the production provides the receiving party with a reasonable ability to search and filter the documents based on the text and metadata that was available in the ordinary course of business. The detailed production format outlined below is an industry standard format and is preferred. The fact that images of documents are produced means that documents can be numbered and the number can be permanently “endorsed” onto the image. Native files are requested and produced for specified file types such as spreadsheets or database files where a review of the image is not helpful. If good cause exists to request production of certain files in native format, the party may request such production and provide an explanation of the need for native file review, which request shall not unreasonably be denied. A party may also de-duplicate “near-duplicate” email threads as follows: In an email thread, only the final-in-time document need be produced, assuming that all previous emails in the thread are contained within the final message. Where a prior email contains an attachment, that email and attachment shall not be removed as a “near-duplicate.” Finally, industry standard load files shall be included that provide metadata for sorting the documents based on senders, dates, etc., and the text extracted from the ESI is provided for full content searching. Below is the specific protocol agreed upon by the Parties:

- Emails should be produced as single page tiff image files (JPEG is acceptable for color documents) and named per sequential production numbers. E.g., PR000001.tif.

- Attachments should be produced as single page tiff image files (JPEG is acceptable for color documents) and named per sequential production numbers following their parent email. E.g., PR000002.tif.
- Documents that exist only in hard copy format shall be scanned and produced as single page Group IV TIFFs, with at least 300 dots per inch (dpi). Each TIFF image shall be named according to a unique corresponding bates number associated with the document. Each image shall be branded according to the Bates number and the agreed upon Confidentiality designation. TIFFs shall show all text and images that would be visible to a user of the hard copy documents. The parties will accommodate reasonable requests for production of specific images in color. In scanning hard copy documents, distinct documents should not be merged into a single record, and single documents should not be split into multiple records (*i.e.*, hard copy documents should be logically unitized). The parties will use reasonable efforts to unitize documents correctly.
- Electronic files should be produced as single page TIFF image files (JPEG is acceptable for color documents) and named per sequential production numbers. E.g., PR000003.tif.
- If documents are produced containing redacted information, an electronic copy of the original, unredacted data shall be securely preserved in such a manner so as to preserve without modification, alteration or addition the content of such data including any metadata.

- All produced images should be endorsed with the production “Bates number” and “Confidentiality designation.”
- Microsoft Access files, Excel files, media files and any Documents with embedded formulas should be produced natively with an image placeholder for the next Bates number and Confidentiality designation. The native file version should use the same naming convention as the other tiff image files. So an excel spreadsheet would produce as: PR000004 Confidential.xlsx.

D. Any issues about claims of privilege or protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502.

None at this time.

E. What changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed.

None at this time.

F. Any other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).

The parties anticipate they will move the Court to enter a protective order relating to the production of certain documents. The parties are currently developing a proposed protective order to submit to the Court for its review.

2. Any other matters relevant to the status and disposition of this case.

The parties submit a Stipulated Scheduling Order contemporaneous with the submission of this Joint Status Report and ask the Court to continue the current docket call relating to this matter that is set for December 1, 2021, to March 23, 2022. The parties’ request is made for good cause based on pre-existing conflicts for counsel in December 2021 and the expectation that

additional time is necessary to conduct sufficient discovery to prepare for trial. More specifically, the parties expect to exchange of written discovery and, afterwards, conduct several depositions of key witnesses. Furthermore, the parties are cognizant of the impact of COVID-19 on discovery scheduling including the ability to timely schedule depositions. As such, the current schedule will likely not provide adequate time to prepare for trial in December 2021 and the parties ask that the Court enter the stipulated schedule.

Dated: August 20, 2021

Respectfully,

/s/ Duane J. Brescia

Duane J. Brescia

CLARK HILL, PLC

720 Brazos, Suite 700

Austin, TX 78701

(512) 499-3647 (direct)

dbrescia@clarkhill.com

Audrey L. Hornisher

CLARK HILL, PLC

901 Main Street, Suite 6000

Dallas, TX 75202

(214) 651-2056 (direct)

ahornisher@clarkhill.com

Christopher R. Ward

Phil W. Pemberton

CLARK HILL, PLC

2600 Dallas Parkway, Suite 600

Frisco, TX 75034

(214) 651-4722 (direct)

cward@clarkhill.com

ppemberton@clarkhill.com

**COUNSEL FOR MARKEL INSURANCE
COMPANY**

AND

/s/ Penn C. Huston (with permission)

Penn C. Huston

Jeffrey R. Elkin

MOUERHUSTON PLLC

349 Heights Blvd.

Houston, TX 77007

Telephone (832) 410-4540

Facsimile (832) 209-8158

phuston@mouerhuston.com

jelkin@mouerhuston.com

COUNSEL FOR ORIGIN BANCORP, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 20, 2021, a true and correct copy of the foregoing pleading was served upon all parties who have consented to service via this Court's ECF System, which includes listed below.

Penn C. Huston

phuston@mouerhuston.com

Jeffrey R. Elkin

jelkin@mouerhuston.com

MouerHuston PLLC

349 Heights Blvd.

Houston, TX 77007

Telephone (832) 410-4540

Facsimile (832) 209-8158

Counsel for Origin Bancorp., Inc.

/s/ Duane J. Brescia

Duane J. Brescia

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION**

IN RE:

Lauren Engineers & Constructors, Inc.

Debtor.

Markel Insurance Company,

Plaintiff,

V.

Origin Bancorp, Inc.,

Defendant.

www.pearsoned.com

Case No. 21-10051 rlj7

Chapter 7

Adv. No. 21-01001-rlj

STIPULATED SCHEDULING ORDER

Having considered the parties' Joint Status Report and Motion for Entry of a Stipulated Scheduling Order, the Court enters this schedule stipulated to by the parties and directs compliance with the following deadlines. Except for deadlines impacting the Court's calendar, the parties may extend intermediate deadlines based on agreement without needing to file a motion or stipulated order with the Court.

Description	Date
Deadline to exchange initial disclosures	September 3, 2021
Expert disclosure deadline for affirmative claims	November 19, 2021
Rebuttal expert disclosure deadline	December 31, 2021
Close of discovery	February 11, 2022
Dispositive motion deadline	February 11, 2022
Exchange of exhibit and witness lists	February 23, 2022
Dispositive motions must be heard by this date	March 2, 2022
File list of exhibits and witnesses	March 2, 2022
File proposed findings of fact and conclusions of law	March 9, 2022
File trial briefs	March 9, 2022
File joint pretrial order	March 9, 2022
Pretrial conference	March 9, 2022
Docket call	March 23, 2022

End of Order

Submitted by,

/s/ Duane J. Brescia

Duane J. Brescia

Stephen A. Roberts

CLARK HILL, PLC

720 Brazos, Suite 700

Austin, TX 78701

(512) 499-3647 (direct)

dbrescia@clarkhill.com

sroberts@clarkhill.com

Audrey L. Hornisher

CLARK HILL, PLC

901 Main Street, Suite 6000

Dallas, TX 75202

(214) 651-2056 (direct)

ahornisher@clarkhill.com

Christopher R. Ward

Phil W. Pemberton

CLARK HILL, PLC

2600 Dallas Parkway, Suite 600

Frisco, TX 75034

(214) 651-4722 (direct)

cward@clarkhill.com

ppemberton@clarkhill.com

COUNSEL FOR MARKEL INSURANCE COMPANY

AND

/s/ Penn C. Huston (with permission)

Penn C. Huston

Jeffrey R. Elkin

MOUERHUSTON PLLC

349 Heights Blvd.

Houston, TX 77007

Telephone (832) 410-4540

Facsimile (832) 209-8158

phuston@mouerhuston.com

jelkin@mouerhuston.com

COUNSEL FOR ORIGIN BANCORP, INC.